REMARKS

Claims 1, 2, 4-10 and 12-19 are pending; claim 1 has been amended, claim 3 has been canceled. Claims 4-7 and 12 are withdrawn from consideration by the examiner as being directed to non-elected species.

The lower range of 12000 kJ per kg of coating polymer in claim 1 is supported by the claimed range in claim 1 and the values in Samples 2 and 3 in Table 14b on page 57. In re Wertheim 191 USPQ 90. The lower limits in claims 15-19 are also supported as for claim 1. Support for the amendment to claim 1 can be found in claim 3 and on page 29, lines 4-5.

Claims 1-3, 8-10, 13 and 14 stand rejected as anticipated by Saur et al. (CA 2178655).

The examiner is requested to reconsider applicants' arguments in the previous amendment dated October 17, 2002 and the amended claims and new data establishing the patentability of the claims over Saur et al.

The new lower range for the heat input results from the fact that at 12000 kJ per kg of coating polymer the properties of the obtained controlled release granules undergo a change. As mentioned previously, Table 14 b (page 57) demonstrates a correlation between heat input and leaching rate. A heat input of less than 12000 kJ per kg of coating polymer leads to an undesirable rapid release of the active ingredient (see samples 3 and 4, compound 6: 14.9 and 19.1% respectively.) A comparison of the heat input employed in samples 2 and 3 demonstrates that at about 12000 kJ a drop in the leaching rate can be observed. As can be taken from page 38, lines 12-17 of the

specification, a high initial release rate results in phytotoxic damage upon plant emergence. Due to the rapid release of active ingredient also the long-term action becomes insufficient.

This could not be deduced from the teachings of Saur et al. Accordingly there is no evidence that the Saur et al. CR granules are the same as those of these claims.

Further evidence of the differences in the CR granules is provided by the attached "test report". This report by Dr. Reinhold Stadler, who is one of the inventors of the above-mentioned application, as well as of the Saur reference, reproduces the reaction conditions of Examples 1, 2, 3 and 5 of the Saur reference. As can be seen, the heat input (kJ/kg polymer) is always markedly lower than 12000 kJ. For those CR granules a marked reduction of emergence failure was observed due to the initial rapid release of active ingredient, but shortly before harvesting they proved less efficient. Thus, it is believed that all this evidence rebuts any possible *prima facie* case of lack of novelty established by this reference. This "test report" can be submitted in the form of a 132 declaration if the examiner believes it necessary.

This new evidence clearly shows that the Saur et al. reference does not anticipate process claims 9, 10, 12-14 and 16-19. The highest heat input in Examples 1, 2, 3 and 5 of Saur et al. is 2209 kJ/kg, which is far removed from the claimed values in these process claims.

Claims 1-3, 8-10, 13 and 14 stand rejected as being obvious over Saur et al. in view of Rei - 4,663,359 or Arnold - 058,256.

Applicants' again urge the examiner to reconsider applicants' arguments in the

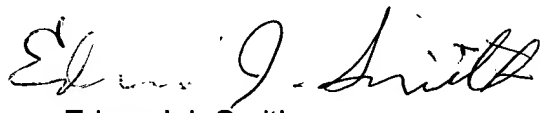
previous amendment and the new evidence submitted by applicants. There is no teaching or suggestion in Saur et al. to use the claimed input values nor to produce CR granules having the improved release rates of active ingredients. The Arnold reference also does not remedy these omissions in the Saur et al. reference.

Favorable action by the examiner is solicited.

Should a fee be required, kindly charge Deposit Account 11-0345.

Respectfully submitted,

KEIL & WEINKAUF



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test report

CA 2,178,655 example	carrier	coating [%]	gas volume flow [m/s]	inlet temperature [°C]	product temperature [°C]	outlet temperature [°C]	spraying time [min]	spraying rate [g/min]	after-baking time [min]	heat input [kJ / kg]	heat input [kJ / kg polymer]
1	NP 20/20	5%	1,25	40	40	39	70	25	10	106	**2126**
2	NP 20/20	10%	1,25	48	46	45	175	25	0	221	**2209**
3	NP 20/20	15%	1,25	45	44,5	44	200	25	0	84	**561**
5	NP 20/20	10%	1,25	45	44,5	44	125	25	0	53	**526**

NP 20/20 = Nitrophoska fertilizer

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